

AMENDED IN SENATE AUGUST 12, 1998
AMENDED IN SENATE JULY 22, 1998
AMENDED IN ASSEMBLY MAY 22, 1998
AMENDED IN ASSEMBLY MAY 6, 1998
AMENDED IN ASSEMBLY APRIL 20, 1998
AMENDED IN ASSEMBLY MARCH 25, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2061

Introduced by Assembly Member Granlund

February 18, 1998

An act to add and repeal Section 1596.7926 of the Health and Safety Code, relating to child care, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2061, as amended, Granlund. Child care and development services: public recreation programs.

Existing law requires the Superintendent of Public Instruction to administer child care and development programs. Under existing law, the superintendent may enter into and execute local contractual agreements with any public or private entity or agency for the delivery of child care and development services.

Existing law establishes 3 stages of child care services through which a recipient of aid under specified provisions of law, or any successor program, will pass.

This bill would ~~authorize~~*require* the Superintendent of Public Instruction to allocate stage two funds appropriated for the 1998–99 fiscal year, in San Bernardino County where parties were unable to agree on a single implementation plan for stage two child care funds, to the contractor currently serving families from that county that demonstrates the greatest ability to coordinate services with the entity responsible for delivery of stage one child care services.

Existing law exempts certain facilities from the requirements of the California Child Day Care Act and the Day Care Centers Act (the acts).

This bill would also exempt from the acts any public recreation program in Riverside County that meets certain criteria. The bill would make those provisions inoperative on September 1, 2001, and would repeal it as of January 1, 2002.

This bill would declare that, due to the unique circumstances within ~~Riverside~~ San Bernardino County, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. In San Bernardino County, where
2 parties were unable to agree upon a single
3 implementation plan for stage two child care funds,
4 pursuant to California Department of Education
5 Management Bulletin 97-22, the Superintendent of
6 Public Instruction ~~may~~*shall* allocate stage two funds
7 appropriated for the 1998–99 fiscal year to the contractor
8 currently serving families from that county that
9 demonstrates the greatest ability to coordinate services
10 with the entity responsible for delivery of stage one child

1 care services. In implementing this provision the
2 superintendent shall ensure that services to children and
3 families are not interrupted.

4 SEC. 2. Section 1596.7926 is added to the Health and
5 Safety Code, to read:

6 1596.7926. (a) For purposes of this section “public
7 recreation program” means a recreation program
8 operated by the state, city, county, special district, school
9 district, community college district, chartered city,
10 chartered county, or chartered city and county.

11 (b) In addition to the exempt settings set forth in
12 Section 1596.792, this chapter and Chapter 3.5
13 (commencing with Section 1596.90) shall not apply to any
14 public recreation program in Riverside County that
15 meets the following criteria:

16 (1) The program operates only during hours other
17 than normal school hours for grades 1 to 8, inclusive, in the
18 public school district where the program is located, or
19 operates only during periods when students in grades 1
20 to 8, inclusive, are normally not in session in the public
21 school district where the program is located, and operates
22 for either of the following periods:

23 (A) For under 20 hours per week.

24 (B) For a total of 12 weeks or less per school program
25 or track during a 12-month period. This total applies to
26 any 12 weeks within any 12-month period, without regard
27 to whether the weeks are consecutive. In determining
28 “normal school hours” or periods when students are
29 “normally not in session,” the department shall, where
30 appropriate, consider the normal school hours or periods
31 when students are normally not in session for students
32 attending a year-round school.

33 (2) No charges or costs shall be associated with the
34 provision of care.

35 (3) Employees must be professional recreation or
36 child care workers.

37 (4) Employees must:

38 (A) Have a current certificate in first aid and
39 cardiopulmonary resuscitation issued by an approved

1 training program that has been approved by the
2 Emergency Medical Services Authority.

3 (B) Be at least 18 years of age.

4 (C) Have received a criminal records clearance
5 through a criminal background check, including
6 fingerprints unless prohibited by an individual's physical
7 condition, performed by the Department of Justice and
8 a Child Abuse Index Clearance and the results have been
9 returned to the public recreation program, school, or
10 school district.

11 (c) It is the intent of the Legislature in enacting this
12 section that the following occur:

13 (1) The public recreation programs exempted from
14 the requirements of this chapter and Chapter 3.5
15 (commencing with Section 1596.90) pursuant to
16 subdivision (b) shall ensure the health and safety of
17 participating children and shall provide a safe and
18 effective means of reducing juvenile crime.

19 (2) There are no costs to this program other than those
20 provided by the jurisdiction of the participating public
21 recreation program, and the participating children and
22 their families shall not incur any cost for the program
23 pursuant to this section.

24 (3) The overall quality of care is not adversely
25 affected.

26 (4) This section was established to provide for the
27 unique needs of the participating families whose
28 commute to work to and from neighboring counties
29 prohibits them from picking up their children within the
30 limits prescribed by subdivision (g) of Section 1596.792 of
31 this chapter.

32 (5) The programs will be provided immediately
33 following the school day.

34 (6) This program prevents participants from
35 becoming "latchkey" children.

36 (d) This section does not require all public recreation
37 programs to operate the program pursuant to this section.
38 A public recreation program may elect to operate subject
39 to all licensure requirements otherwise applicable to day
40 care programs set forth in this chapter or may be required

1 pursuant to the contract that the program operate subject
2 to all licensure requirements.

3 (e) A public recreation program that operates an
4 excess of the number of hours provided in paragraph (g)
5 in Section 1596.792 and fewer than 20 hours per week for
6 children in grades 1 to 8, inclusive, as a licensed exempt
7 provider shall conduct an annual evaluation of their
8 program, and the results of this evaluation shall be
9 reported to the appropriate policy committees of the
10 Legislature by June 1, 2000.

11 (f) This section shall become inoperative on
12 September 1, 2001, and, as of January 1, 2002, is repealed,
13 unless a later enacted statute that is enacted before
14 January 1, 2002, deletes or extends the dates on which it
15 becomes inoperative and is repealed.

16 SEC. 3. The Legislature finds and declares that for
17 Section 1 of this act, because of the unique circumstances
18 applicable to the County of San Bernardino, a statute of
19 general applicability cannot be enacted within the
20 meaning of subdivision (b) of Section 16 of Article IV of
21 the California Constitution.

22 SEC. 4. This act is an urgency statute necessary for the
23 immediate preservation of the public peace, health, or
24 safety within the meaning of Article IV of the
25 Constitution and shall go into immediate effect. The facts
26 constituting the necessity are:

27 To efficiently promote the public safety of children in
28 day care and public recreation programs within Riverside
29 County, it is necessary that this act take effect
30 immediately as an urgency statute.

